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Attorney for Counter-defendant
Paul Montwillo

UNITED STATES DISTRICT COURT
FOR NORTHERN DISTRICT OF CALIFORNIA

PAUL MONTWILLO, an individual;) Case No. C 07 3947 SI
Plaintiff,)
vs.) DECLARATION OF PAUL MONTWILLO
IN SUPPORT OF HIS MOTION FOR
SUMMARY JUDGEMENT
WILLIAM TULL, an individual; DANIEL)
GIBBY, and individual; GIBBY)
NOVELTIES, LLC dba ARSENIC & APPLE)
PIE, a California limited liability company;)
and DOES 1-100, inclusive,)
Defendants.)
WILLIAM TULL, an individual;)
Counter-Claimant,) Complaint Filed: August 1, 2007
vs.) Counterclaim Filed: January 11, 2008
PAUL MONTWILLO, an individual, and) Trial Date: June 30, 2008
DOES 21 through 30, inclusive,)
Counter-Defendants)

I, Paul Montwillo, by personal knowledge, hereby declare that if called to testify I could and would attest to the following:

1. In approximately 1994, I was in a Toys-r-Us store and noticed a wig for a 12 inch
2 doll and immediately thought "drag queen." I bought the wig, a Barbie Doll, and made a "Drag
3 Queen Barbie Doll," which was actually a three-dimensional caricature of my friend Brian
4 O'Rourke who often dressed as a "drag queen" for Halloween. Before I created this doll, I had
5 not nor have I since, ever seen another drag queen Barbie Doll made before this time. I made the
6 caricature of O'Rourke and gave it to him as a gift.

2. The three dimensional caricature of O'Rourke I made was a big hit with my
3 friends, who in turn encouraged me to produce others. I did. I made several other "drag queen"
4 dolls then branched out into a wide-variety of caricature Barbie Dolls. For example, I produced
5 a caricature of "Carrie," the central character played by Sissy Spacek in the classic 1976 horror
6 film of the same name directed by Brian DePalma and written by Stephen King. On the
7 political-side, I also created a caricature doll of then San Francisco mayor Willie Brown. I also
8 created caricatures of other classic American cultural icons, such Grant Wood's famous 1930
9 painting American Gothic of a farm couple standing in front a white house, with Barbie as the
10 wife. However, at that time, my most popular creation was a doll called "Trailer Trash Barbie."
11 I originally created "Trailer Trash Barbie" as a pregnant Barbie Doll in denim skirt, smoking a
12 cigarette and holding a pig. I made several versions of the "trailer trash" doll, including a
13 pregnant Barbie holding a beer and smoking a cigarette. As a matching piece to the Trailer
14 Trash Barbie, I made a male doll that had a "mullet" style hair cut (short in the front and long in
15 the back).

3. In the summer of 1996, I lived with my domestic partner Woody Evans, who at
4 the time was the store manager at In-Jean-ious Active, a store owned by Tull, located in San
5 Francisco on Castro Street near Market Street. On my behalf, Evans displayed some of my doll
6 creations at In-Jean-ious Active. My dolls created such a stir with customers that Evans asked
7 me to make some to sell during the 1996 Christmas holiday season. I did so. In addition to
8 attracting some sales, the dolls also attracted the attention of Mattel, Inc., the producer of Barbie
9 Doll. Mattel, Inc. filed a lawsuit against me (for privacy concerns, I used the name Paul Hansen.

1 Hansen being my mother's maiden name) and In-Jean-ious Active. *Ibid.* Mattel's lawsuit
2 generated media interest in my dolls. Attached hereto as Exhibit A are true and accurate copies
3 of some of the news articles about my dolls from this period. In-Jean-ious and I both eventually
4 settled with Mattel. I did so by promising not to sell any dolls packaged in the color pink or
5 using the word "Barbie." Otherwise, I was free to create parody Barbie Dolls in pink boxes, but
6 not to sell any.

7 4. Undeterred by the restrictions contained in the settlement agreement, in 1997 Tull
8 and I entered into a partnership to create and distribute my dolls. In the fall of 1998, Tull and I
9 converted our partnership into a limited liability company, and registered it with the State of
10 California as Arsenic & Apple Pie, L.L.C. ("AAP"). At some time soon thereafter, Tull and I,
11 with the assistance of Tull's attorney David Wong, entered into negotiations over the new
12 company's Operating Agreement ("Operating Agreement"). Several drafts were created and
13 edited before the final version was executed in May 2000. During the negotiations, I removed
14 from the Operating Agreement any language that would transfer my rights to the intellectual
15 property of my dolls to AAP. The end result being that the final Operating Agreement, which
16 was drafted by Tull's attorney David Wong, is silent with regards to ownership of intellectual
17 property. A true and accurate copy of the executed Operating Agreement is attached hereto as
18 Exhibit B.

19 5. By the terms of the Operating Agreement, Tull and I are the only members and
20 have equal status. The Operating Agreement provides that both of us equally contribute 50% of
21 the initial start-up capital - \$2,500 each (\$5,000 total). Tull loaned me \$2,500 for my half of the
22 initial capital contribution. Tull also contributed \$2,500 for himself. Further, the Operating
23 Agreement provides that Tull and I have 50% ownership and control.

24 6. At no time did I have any other relationship with AAP besides a Managing
25 Member, specifically I was never an employee of AAP nor was I ever hired by AAP as an
26 independent contractor.

1 7. Over the course of the next few years, I tweaked my prior doll designs for the
2 purposes of mass production. I worked with an overseas manufacturer to develop workable
3 prototypes for the five dolls that are subject to this litigation. Three of the five prototype dolls
4 were manufactured by AAP – the Red Hair Drag Queen Doll, the Blonde Drag Queen, and the
5 Trailer Trash Doll. I also created prototypes for the other two dolls subject to this litigation, but
6 those two dolls were not manufactured by AAP – the Pregnant Doll and the Mullet Doll.

7 8. I also contributed to AAP within the areas of responsibility designated in the
8 Operating Agreement. Among my other duties, I designed AAP's product packaging, drafted the
9 content for the packaging, hired a web designer and supervised AAP's website. I developed
10 other products, such as watches and t-shirts, some which were produced and some that were not.
11 I engaged in marketing and advertising as well.

12 9. Tull contributed to AAP within the scope of his designated areas of responsibility
13 as well. He also loaned AAP funds pursuant to loan sections of the Operating Agreement, but at
14 no time did Tull increase his capital contribution as defined in the Operating Agreement.
15 Although AAP manufactured and sold many dolls, I was never paid any proceeds. All revenues
16 were either poured back into production or used to pay-off Tull's private loans to the company.

17 10. Faced with mounting personal debt and no proceeds from AAP, in March 2002, I
18 filed in proper a petition for personal bankruptcy under chapter 7. Since I had never made any
19 money from the artwork upon which the dolls were made, I did not list the artwork in my
20 bankruptcy petition. The court closed my chapter 7 filing, entering the final decree on October
21 28, 2002.

22 11. Over a year later, on behalf of Tull, attorney Wong sent me a letter dated April 7,
23 2003. A true and accurate copy of Wong's April 7, 2003 letter is attached hereto as Exhibit C.
24 In this letter, Wong advised me that since I filed a petition for bankruptcy, Tull was purchasing
25 my membership share for what Tull calculated was the fair market value – one dollar (\$1.00).
26 Wong further advised me that if I did not contact Tull or himself within 30 days to object, AAP
27 would adopt the \$1.00 valuation and execute the purchase.

1 12. Tull and I entered into negotiations pursuant to the Operating Agreement over the
2 price of my membership and reached an oral agreement of \$16,000. But, Tull did not pay that
3 amount or any other. By letter dated May 2, 2003, I advised Wong that Tull had yet to submit
4 payment of \$16,000. Attached hereto is as Exhibit D a true and accurate copy of my May 2.
5 2003 letter to Wong. By letter dated May 31, 2003, Wong sent me a draft purchase agreement.
6 Attached hereto is as Exhibit E a true and accurate copy of Wong's my May 31, 2003 letter and
7 the draft purchase agreement.

8 13. Over the next month, I made handwritten changes on the draft purchase
9 agreement. By letter dated June 30, 2003, I advised Wong that I was willing to accept the offer
10 of \$16,000 provided Tull accept my handwritten changes. Attached hereto is as Exhibit F a true
11 and accurate copy of my June 30, 2003 letter to Wong. Wong redrafted the purchase agreement
12 and it was given to me for acceptance. Attached hereto is as Exhibit G a true and accurate copy
13 of the revised purchase agreement.

14. The agreement was not executed by either party and Tull withdrew the offer.

15. The next communication I received from Wong was a letter dated June 23, 2004,
16 indicating that Tull had abandoned his attempt to re-purchase my membership. Attached hereto
17 is as Exhibit H a true and accurate copy of Wong's June 23, 2003 letter to me. In the letter,
18 Wong advised me that instead of re-purchasing my membership, Tull was going to simply
19 dissolve AAP. Wong further advised me that Tull was able to do so because Tull did not hold a
20 membership meeting with himself within 90 days of learning of my bankruptcy petition, and
21 pursuant to section 9.1(a) of the Operating Agreement, AAP automatically dissolves under such
22 circumstances. Wong also advised me that Tull elected himself as the Liquidating Manager. I
23 completely dispute the facts in Wong's letter. I told Tull well in advance of filing for bankruptcy
24 that I intended to do so. At no time did he say that he would dissolve the company as a
25 consequence.

26 16. By letter dated July 3, 2004, Wong advised me **for the first time** that AAP was
27 claiming to the intellectual property rights to the five dolls that I created that are subject to this

1 litigation. Attached hereto is as Exhibit I a true and accurate copy of Wong's July 3, 2004 letter
2 to me.

3 17. By letter dated July 8, 2004, I told Wong that I was exploring my rights, which I
4 intended to assert and defend. Attached hereto is as Exhibit J a true and accurate copy of my
5 July 8, 2004 letter to Wong.

6 18. By letter dated July 13, 2004, I advised Wong that as an equal managing member
7 of AAP, he did not concede to the dissolution. Attached hereto is as Exhibit K a true and
8 accurate copy of my July 13, 2004 letter to Wong. In this letter I told Wong that "I hold the
9 copyrights to all my designs, not the company."

10 19. By letter dated July 16, 2004, Wong advised me that AAP was going to execute
11 the dissolution, but he did not tell me when it would happen. Attached hereto as Exhibit L is a
12 true and accurate copy of Wong's July 16, 2004 letter.

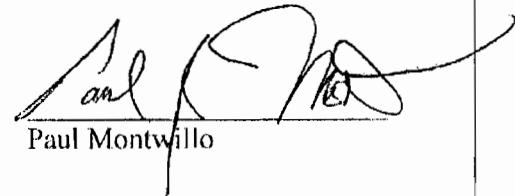
13 20. By letter dated July 20, 2004, Wong told me that since I declared bankruptcy he
14 had no "grounds upon which to object to the dissolution of the Company." Attached hereto is as
15 Exhibit M a true and accurate copy of Wong's July 20, 2004 letter to me Wong. In this letter,
16 Wong told me that AAP was the sole owner of all of the intellectual property rights to the
17 copyrights and trade names. He further threatened me by telling me to stop using AAP
18 letterhead or I would be facing a lawsuit.

19 21. On July 2, 2004, I registered with the Copyright Office and was issued
20 registrations for "Talking Pregnant Trailer Trash Doll, aka Trash Talking Trixie" registration
21 number VAu 631-337 and "Trailer Trash Roy Doll, aka Bubba, aka Mullet Doll," registration
22 number VAu 631-338. A true and accurate copy of those registrations is attached hereto as
23 Exhibit N. On July 13, 2004, I registered with the Copyright Office and was issued registrations
24 for the following dolls: (1) "Redhead Drag Queen Doll," registration number VA 1-271-341; (2)
25 "Trailer Trash Doll," registration number VA 1-271-342; and (3) "Blonde Drag Queen Doll,"
26 registration number VA 1-271-343. A true and accurate copy of those registrations is attached
27 hereto as Exhibit O.

1 22. Shortly thereafter, I looked around for an attorney and finally hired attorney
2 Curtis Smolar. By letter dated September 22, 2004, Smolar contacted Wong to tell him to stop
3 the dissolution proceedings. It was only after time did I learn that Tull had already liquated AAP
4 and sold its assets, including my copyrights, to himself, then to Daniel Gibby, and then Gibby
5 sold them to GN. Attached hereto as Exhibit P is a true and accurate copy of Smolar's
6 September 22, 2004 letter to Wong.

7
8 I declare under the penalty of perjury under the laws of the State of California that the
9 foregoing is true and correct.

10 Executed on March 20, 2008.



Paul Montwillio

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12 San Francisco, California
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EXHIBIT A

San Francisco Examiner

LIFORNIA

ED-NORTHERN CALIFORNIA



Barbie

tator of the now-famous
"Milk Trash" version says
he's got a hobby gone mad.

in Boston. The Bostonians were a divided people, and the New Englanders, who had been so long and so firmly wedded to the Puritan religion, brought the religious even to an extremity. They were deeply imbued with a sense of their own sinfulness, and with a strong aversion to the world and its ways. They were a stern, austere, and somewhat gloomy people, who lived in a state of constant anxiety and fear of God's judgment. They were a people who had a strong sense of their own sinfulness, and with a strong aversion to the world and its ways. They were a stern, austere, and somewhat gloomy people, who lived in a state of constant anxiety and fear of God's judgment.

and the International, being the Associate of Art Deco. The show will be held in the 800-seat hall from Dec. 10 to Dec. 13. There will be a Central American exhibition, and a collection of American pottery, Dec. 10-13. The show will open at 10 a.m. and close at 9 p.m. The transforming tour of Europe in stages includes a visit to Madrid before the annual meeting.

W. J. Johnson, 1930, 12, 246, 5.

Dialect English;

Wirkungen und
widerliche English
Vorwürfe und
die Wirkung
auf die Freiheit
und die Freiheit
der Presse und
der Meinungsfreiheit
sichern kann.

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Some get to file tax form by phone

For the 1.6 million Californians who are eligible, returns can be done in just a 10-minute call.

By Doug White

SACRAMENTO
County, where until his
death he resided, he
was a member of the
Methodist Church.

A total of 10,000 ATMs are about 10,000 ATMs in the United States by telephone. The French are the most prevalent ATM users in the United States, followed by the United Kingdom and Canada.

Tell him you didn't know
that you might have responsibilities
on a work place before you go.
After you answer these questions
on a work place basis, Wright
asks the voter what kind of
a restoration do they feel
is needed or required.

equipped.

Very one also who has had to use additional labour through the hold a good deal of expense in the holding the hands of the hand with one hand while the other is used to manage the work and when the work is required by several persons

In addition to the financial and
strategic status benefits, TeleFile
users may also see the economic
advantages of having their
internal business data available

The Daily Opinion Service is fast, but is there an even faster way to get the latest court decisions?

Matell is 'begging for one of these judges to give them a black eye.' — Nissan attorney Robert Schwartz

and is using it as a monopoly. Other tools are being tried, and these pledges to free them a black eye. The new Senate is one thing to do, and one can without a lot of reasoning, say, that after MCA and LSC, they are to do another. We are not going to do another.

EARLY OR STEREOTYPE?

In *Memory of a Friend*, 197, 97(1), 2, the author presents a study of the marker taken from a sample of what is considered the earliest recognizable form of the language of Barrie. The author concludes that the sample of speech is

Das Quere Buch
ist kein Buch
für Buchsucher und
nicht für Buchsuchende.
Es ist ein Buch für
alle, die sich auf
eine Reise aufmachen,
die sie nicht allein
machen wollen.

A: Yes, the Cal Law server framework, Cal Law sends out an e-mail message every day with summary information. These are all the appellate cases that will be in the court's calendar that day. Cal Law. And if you want to read the cases in full, you have to go to the available on Cal Law's website.

Q You need to take a sample of Ca^{2+} and Mg^{2+} from different sources. What would be the best way to do this?

Q (continued). How much is one hour?
A It's completely nice to *Answer* and
observe. Often one second, a month,

故其後人之爲詩者，皆以爲子雲之子，子雲之孫，子雲之子孫，子雲之子孫也。蓋子雲之子，子雲之孫，子雲之子孫，子雲之子孫，皆以爲子雲之子，子雲之孫，子雲之子孫，子雲之子孫也。

and clear-cut factors lessens the difficulty of separating the two. "It's a difficult and important task," says Michael K. West, a school trustee. Alan Winter, a school representative for J. Walter Thompson, a New York ad agency, says, "But it would do it again."

toys

Barrister Barbie? Mattel Plays Rough

By LISA BANNAN

Staff Reporter of The Wall Street Journal
For the past eight years, the Great Lakes Chapter of the Barbie Collector's Club has held an annual fund-raiser for Children's charities. Called the "Barbie Grants a Wish" weekend, the group sells Barbie dolls and donates the proceeds about \$25,000 over the years, to charities in children around Troy, Michigan.

But something will be missing from this year's fund-raiser this year. The club received a cease-and-desist letter from Mattel's maker, Mattel Inc., demanding that it remove the Barbie name from the "Barbie Grants a Wish" weekend, the group says. Mattel says it will not honor its name, even if it does not officially sanction it.

We sat in the doll formerly known as Barbie,即邹女士·伯根曼，a club member. For nearly four decades the plastic princess has fancied Mattel's Illinois, Elkhorn, coats and pink panties. But lately she's taken to suits. Very expensive suits.

Mattel is so serious about pursuing its intellectual property that it is suspected of copyright coaches that it is waging one of the corporate world's most aggressive trademark wars. The more popular the brand becomes, the more aggressive we have to become," declares Michael McShane, the company's senior counsel. "We have an intellectual property, not a doll. We vigorously look for and pursue any and all infringements."

The company considers an infringement to be any unauthorized use for another's commercial benefit. In addition, Mattel will use pursue uses it considers harmful or objectionable. Mattel particularly for our target audience of girls ages 3 to 11," says spokesman Sean Fitzgerald.

For example, Mattel's chief operating officer, "We can't go through every unauthorized user to see how it's used. We have to have our rule — you can't use

it," he firmly declared, "my wife."

As

FDA to Watch Drug Switching, Sales Practices

By HEATHER ISACKS, LL

Staff Reporter of The Wall Street Journal
WASHINGTON — The government intends to hold the nation's big drug makers accountable for any marketing misdeeds committed by their subsidiaries in the booming \$45 billion-a-year business of managing prescription-drug benefits. Under guidelines issued yesterday, the Food and Drug Administration would — for the first time — regulate the advertising and marketing practices of pharmaceutical management companies, or PBMs, the same way it regulates the drug makers' promotion activities.

An estimated 15 million Americans are enrolled in PBM-run prescription drug plans. Eli Lilly & Co.'s PCS Health System Inc. unit alone provides coverage for 5 million people.

The FDA's first regulatory foray into the managed-care field reflects deepening concern over the marketing clout of huge PBMs acquired by Merck & Co., Smith Kline Beecham PLC and Lilly in recent years, and the widespread practice of drug switching.

One concern is that, in the fight for market share, PBMs owned or controlled by drug manufacturers push their products on medical-insurance companies and health-maintenance organizations, sometimes to the detriment of patient care. Another is that those PBMs often persuade doctors to switch patients to less-expensive drugs by making misleading

Please Turn to Page P

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Morning We Have Visitors With Us

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OUT THERE

by Chris Culwell
and Pitthy Galore

ONE of those of you who didn't read about it in the *New York Times*, **Sarah Pettit**, editor in chief of *Out* magazine, has been ousted by **Henry E. Scott**, the president of Out Publishing Inc. The news came as something of a shock to Pettit, who, at *Out's* recent party celebrating its annual list of 100 most influential gay men and lesbians, had been thanked by Scott for doing a great job in her five years at the helm.



Quoted from *Out*: Sarah Pettit

Indeed, according to the Times, Pettit's handling of *Out* magazine has been an deadly this: "the magazine expects to turn a profit before the end of this month." For her part, Pettit, whose contract was up for renewal in February, was quoted in the Times as saying, "I am contemplating a break-off contract [with Scott] and possible changing sex discrimination." Scott called the charges of sex discrimination "bizarre and preposterous" and called her dismissed her because "he was not happy with the direction of the magazine." He also said the monthly's tone had become "too impersonal," that the product "lacked focus" and that he wanted more "service-oriented" journalism about how gay people live their lives.

We'll reiterate some of their complaints: the standard-issue whine of trigger-happy publishers, but the larger confabulation "service-oriented journalism" has us mystified. Isn't that an oxymoron? a conundrum? a way of saying "paid advertising"? In his recent book *The King and I*, **Daniel Okrent** lamented the conversion of Madison Avenue on queer journalism. Some folks assumed Okrent was referring to that, but it goes to like we're about to see a classic demonstration of his thesis.

Plastic princess

Other **Barbie**, the hopefully plastic doll she can take a cut with the best of 'em. Local **Paul Hansen** can attest to that. Last year, during the Yule tide, Mr. Hansen tried selling modified versions of *Barbie* — *Trailer Trash Barbie*, *Drag Queen Barbie*, and *Big Dyke Barbie* — at a store on Castro, correct. Sales were brisk, but Hansen's girl was quickly passed when she ran afoul of *Barbie* executive **Stephanie Hansen** with a hefty lawsuit for defacing these precious artifacts of popular culture.

According to a recent story in the San Francisco legal newspaper, *The Recorder*, Hansen agreed to

stop selling his *Barbie*, but she wasn't enough for Mattel, which also demanded that Hansen stop displaying the dolls in art galleries.

In its case against Hansen, Mattel argued that the artful depictions of *Barbie* are too negative.

In particular, *Barbie Trailer Trash*, which shows *Barbie* with a bad job and a cigarette hanging from her mouth, and *Drag Queen Barbie*, a *Ken* doll dressed in *Barbie* clothes and wearing a wig. According to *The Recorder*, Hansen has also fashioned a *Prostitute Barbie* with a sex act spray that includes a condom, a condom, and a gag.

Hansen's derivative dolls associate Mattel's *Barbie* line with "such antithetical themes as prostitution, child molestation, incest, violence, and the like," exposing and discrediting "a group of people," one of Mattel's lawyers wrote in a reply to inquiries made by *The Recorder*.

We don't want to proceed, but we think the *prostitute* *Barbie* is cooler to that cheetah missive. We'd be to *cool* if Mattel's continued hacking of *Barbie* products that promotes *sexism* over *sex* — *seen a hefty *Barbie* rabbit (Barbie's big brother) always white* — and the general *dehumanization* of women.

Hollywood royalty

Supervise **Faye Dunaway** never materialized, as rumored, at either the Friday or Saturday run of *Christmas with Christine* (see *front* of the Castro), but we're pretty sure the ghost of **Joan Crawford** was in the house (perhaps sitting within spitting distance of that malfunctioning fan, maybe). Still, Joan's shade didn't stop her adopted daughter *Christine* from serving up a little *BC* dish at Castro impersonator **Marcia Huestis'** long-awaited event. When interviewer **Eric Lee Prentner** (from's *out*) asked why BC insisted on keeping the temperature on movie sets having just above freezing, *Christine* quipped, "She did, causing me to say, 'I think she had it at her like, adding that her mother's New York apartment was always cold.'

Still, while Crawford took a few painful steps in her famously ill-tempered number, this event wasn't the Joan Crawford cockpit that several *Angst* fans we know thought it was going to be. If anything, *Christine*, who seems like a walk-down-the-street person, was curious yet, as the *angst* crowd missed her mother. Oh, it's fine, she pulled a decorated wire hanger from a bag to give to the winner of the *BC* drawing contest, but it was handled like an instrument that caused a reverent silence for the ball.

And there were plenty of opportunities like when Prentner asked Crawford to explain why she doesn't like the film version of her book. To our surprise, Craw-



From Sarah Strohmeier's book, *Barbie Unbound*

ford had known about our house, everyone knew what *Joan Crawford* had done to stop my career [in fact, in a sense, this was a case of the messenger getting the news].

What's up next in this *Out*? Stay tuned to the *Out* and find out.

Politics and tube so

Last Wednesday, we saw our way over to *Swank*, 111 1/2 Street to join one of the annual *B.A.R. Xmas*. As in years past, we set aside *Swank* to drink magnificent spreads of *skunk* beer (a bill alone was \$1,200) intimate gathering, and *list* that included everyone.

Sweet Lips

drinking at a rhinestone-encrusted

hot bigwig position: *John* and *Miguel*, *Karen*

Leah. Though we might be

being a bit *over*-sensational

nowhere, *Leah* was *so* in

polite at various *sober* evening, but it *increasingly*

wasn't always pretty *sober*

times, even *bordered*.



From Sarah Strohmeier's book, *Barbie Unbound*

back instead of taking off a bit of *taut*, referred to Prentner's *flaw* of *sins* about the film and then *side-stepped* the whole *leaving* issue by complimenting the film's make-up people. In *After* *luncheon*, Crawford had a *heartwarming* anecdote about how her mother once saved her from a rampaging bull.

Though she didn't offer up *details* on *all* aspects of *its* *leaving*, Crawford did reveal that *Mommie Dearest* was originally slated to be directed by *Frances Zeffirelli*, not *Frank Perry*, and that *Amy Baer* was to play the lead, *Jeanne* *Brody*, on *the* *subject* of her being *blinded* *off* *from* *Brody*'s *circle* *after* *the* *publication* *of* *the* *book*, *Crawford* said. *Prentner* did *surprise* *me*, and it was a *little* *minister*, because people in *Hol*



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Mattel's critics call it a free-speech issue

Continued from Page 1C.
protecting our trademark . . . and
that action has certainly been
stepped up over the last few years."
says Sean Fitzgerald, vice president
of corporate communications for
Motel, which is based in El Segun-
do, Calif.

But the fallout has left some collectors feeling stung, and worried that Mattel is trying to stifle free speech among aficionados who have been critical of the company or some recent Barbie models.

"They have lost a tremendous amount of loyalty among serious collectors," people who have bought thousands of dollars of Barbies every year," says Priscilla Wardlow of Encino, Calif.

On some Web sites, as a mark of interest, photos have been blanked out or the letter "B" has been replaced by an asterisk, sometimes in every single word, not just "Bar-

Some hardcore collectors have either cut down on their Barbie purchases or gone cold turkey, turning instead to newly introduced Barbie competitors fashion dolls called Candi and Gene.

The four lawsuits filed in federal courts in San Francisco and Los Angeles, together ■ Nissan, for its use of computer-generated dolls resembling Barber and Ken in a recent television commercial

■ Ken Haderer, a San Francisco terrorist who transformed Barbies into "Hucker Tratter" Trash Barbie, "Queen Barbie," and other parodies of "Drag Queen Barbie" is a refurbished and repackaged Ken.

WCA Records, for the song

Tuesday November 17 1997

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Asher-Drake Galleries

social committee, sat in all the social review, she says.

"This is something that's broad," she says. "We really do believe it's freedom of speech."

Miller's Report publisher Dan Miller of Spokane, Wash., says he

can't discuss many details of the lawsuit, but he feels absolutely secure in his right to run articles, both complimentary and critical.

about the doll and Maribel.

"we were in the right," he says. A 1996 issue published before

the suit was filed, contains several disclaimers that it's not affiliated with Martel. But an article titled "Forbidden Photos" reproduces three photographs that Martel had asked a publisher to remove from a reference book by Barbie collector and archivist Joe Blittman.

Mr. Blitman, who wrote the article, had posed a tennis-playing Barbie near a package of Virginia Slims cigarettes, a "Bubbles and Boots" doll by a bottle of Dom Pérignon, and three lingerie-clad dolls sitting on oversized capsules. "They're meant to be cold pills, because they're going to catch cold sitting around in their underwear," he wrote.)

Mr. Blitman wrote that Mattel in the past had produced wine sets for Barbie, and authorized a German photo that showed Barbie's upside-down legs sticking out of a champagne ice bucket.

"There is more of a perception of
icy corporate fingers trying to con-
trol and micromanage our 'hobby,'"
he wrote. He encouraged readers to
cut out the photos and paste them
in the blank spots where they had
been deleted from his book.

Mr. Warren says he wants to decide whether the lawsuit was in direct response to this article, as some collectors believe. But he stands behind it as news and a viewpoint of interest to collectors.

"The gentleman involved is one of the most important people in Barberie collecting," he says. "We thought it was important for people to learn what happened in this particular instance with his book."

"It's interesting," he says. "The story is true, and I think it's ultimately entertaining."

The Accidental Entrepreneur

Paul Hansen and His New Dream Occupati

By Walt Horton



Paul Hansen, behind a few of his now-famous collectibles.

Soon afterward, the trailer trash doll appeared on the scene. He said he is inspired by the different people he sees around him everyday. "Basically what I see around me... the people in the Castro," he said. "That's really all of it. It's all people." He even has a Castro Castro, known who you could swear just walked out of Pao's.

Hansen, who is "inches from 6'1," takes his same fun we all take out of watching beauties strut from her pedestal. He endows her superhuman perfection with common human flaws. "...These dolls are so far from human," he said. "They have all these unattractive features. And if you put a human quirk on top of that, people just think it's hysterical."

Stereotyped Humor: Barbies

The humor and irreverence come from Hansen's obvious use of stereotypes. He spends the most time on characters from among different groups within and without the community. "I'm picking fun at stereotypes and people," he said. "That's more where I'm coming from... like the tyke doll has a hetered hairdo, but the bad lesbian do. Everyone I've talked to thinks they're great. That's why the thing queen is so funny, because everybody thinks that every gay man's got a closet full of wigs and dresses." In fact, Hansen said that many people from the South are calling about the trailer trash doll. It seems like everyone wants to see their group represented. "It's just funny to see yourself in something like that," he said. "Or just see a negative stereotype turned into a joke, which it is... and everyone sees it that."

Fortunately, Hansen has received no backlash from the gay community. He said for a gay artist to create gay stereotypes can only be a bad deal. "It's a different story," he said. "If a fat girl calls another fat girl, then it's no big deal. If a fat girl calls someone a faggot, it's a different story."

Hansen even received help from his parents in creating his dolls. They found nothing unusual in his hobby. "My parents are used to me being a freak," he said. "It doesn't surprise them. They think it's funny." As he raised a very toy store in the Bay Area for doll wigs, figurines, and thesehillian figurines, his parents ranged toy stores in New York and mailed him everything they could find that would help him.

An Inside Joke *Goode Wild*: Hansen thought the doll was just an inside joke when he started with limited models. He plans to manufacture the trailer trash and drag queen versions.

Creating The Images: Hansen spends his days painting the Macintosh laptop at the Academy of Arts and Crafts downtown. After hours, he focuses his creative energy bringing Barbie and

live, just boarding us in entrepreneur and that's team." In fact, Hansen has four years doing photos. Till said that he doesn't the credit to half of the pictures he has in his checkbook. Till, the artist that he has a boyfriend that he has a boyfriend depends upon the customer.

The success of the new doll depends upon the customer. Sporting a Detour Lounge Table, Castro Ken trips around with a brew in front of Twin Peaks.

had a lot of gallery shows and I never got so much attention when I was serious as when I was kidding. But Barbie was not an inside joke, so all I said even his aunt from Denmark called when she read about the doll in a Copenhagen paper. The news spread when a reporter from the Examiner spotted the doll while shopping in the Castro and decided to do a story on it. From the Examiner, the story hit the Associated Press wire and from there went to every major newspaper in every major city in the world. "London, Paris, L.A., Hong Kong, I went on the wire. It was everywhere." It took less than a week for news to spread around the world.

But, alas, it turned out that "everywhere" also meant Mattel—the company that gave us Barbie—in the first place. Mattel didn't think it was too funny that Barbie lived in a trailer park and needed her parents done. So they presented Hansen with a lawsuit. As a result, Hansen's baby doll futures with La-Barbie free. "I plan to design the doll's head myself. It'll be my own design." He said it will not be anatomically correct. "That's not my point," he said. "My point is more humorous, I'm poking fun at stereotypes."

The Business Side: When Hansen begins to manufacture his own doll, he will start with limited models. He plans to manufacture the trailer trash and drag queen versions. He is presently working in conjunction with toy companies to learn the ins and outs of manufacturing

his life any. He said that is "not to say I'm not going to have fun. That's the best part."

Hansen plans to make company which he will be the owner of. He said, "I have business skill and that new doll promises to be definitely the artist, so entrepreneur and that's team." In fact, Hansen has four years doing photos. Till said that he doesn't the credit to half of the pictures he has in his checkbook. Till, the artist that he has a boyfriend that he has a boyfriend depends upon the customer.

MEDICAL
ENTERTAINMENT

Pre-operative tracing
looking

ing with Mattel. "We're free from the shadows," he said, "the future will be being kept simple and more easily. He hopes to affordably."

Hansen's primary goal cash from his dolls. "It strikes me," he said, "I won't try to make something that he has already made sell. That gives him a lot of fun as they come to him or of Polk. In the end, Hansen doesn't see

to his dolls. They thought it was funny, he said. "I would never think that but they do." He was actually happy that his doll "...touched so many people. But I was also a little insulted because as an artist, I have a Castro Castro, known who you could swear just walked out of Pao's.

Sporting a Detour Lounge Table, Castro Ken trips around with a brew in front of Twin Peaks.

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The Business Side: When Hansen begins to manufacture his own doll,

THE RECORD

12/27/07 E-2 36 213

THE BAY AREA'S LEGAL NEWSPAPER SINCE 1877

THE RECORD, NOVEMBER 21, 1907

"They don't let up. They will go to court even if they know they can't win — I just want to settle and never deal with them again."

—Trailer Trash Barbie creator Paul Hansen

Sue Me, Barbie

Toy maker Mattel doesn't play around when it comes to trademarks

By KELLY FLAHERTY

She may be blonde, glamorous and only 12 inches tall, but Barbie is bigger than she looks.

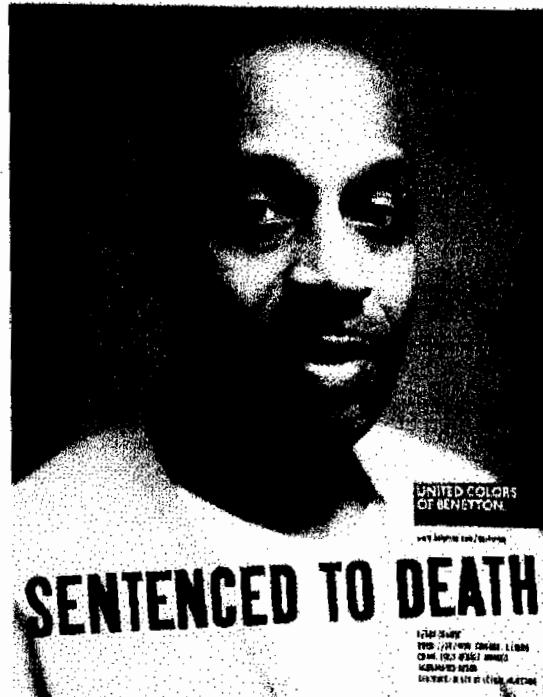
Just ask local artist Paul Hansen, who dared to tweak the icon's image by selling modified dolls, including "Trailer Trash Barbie," "Drug Queen Barbie" and "Big D*ck Barbie," along with other items at a store on Castro Street.

His actions have cost him a trip to the mat. Mattel Inc., which has sold millions of plastic dolls, cosmetics and clothing, has sued Hansen and San Francisco federal court in August after receiving a cease-and-desist order. Hansen never used the term "trash" in connection with Mattel's name or trademarks, but he did use it in his defense, calling it a "disparagement."

Given that Hansen's dolls are clearly aimed at the same market as Barbie, and that he has sold them in the same stores, Mattel is asking for a injunction that would prevent Hansen from selling his dolls.



humanitarian messages from corporate enterprises and this thought-provoking work would certainly sit far more easily with our preconceptions if it were produced by a charity - but what does that say about our need to compartmentalise?



Trailer Trash doll

from *Arsenic & Apple Pie*

Who's to say what is acceptable in a doll? Is it a snooty blonde with unfeasible proportions and a boyfriend called Ken, a man in a dress, or a rather less classy blonde, with dark roots, a cigarette planted firmly between her lips and a pig under her arm? The last two options come courtesy of San Francisco artist Paul Hansen and his new venture, to be found at website <www.trailerrashdolls.com>. Hansen began customising dolls as a joke for his friends but after local publicity and a year in court in which he won a lawsuit brought by Barbie manufacturer Mattel, he set up making his own toys with a twist. His trailertrash honey, raised on meatwiches and the best kisser in the county according to her daddy, has a boyfriend called Mullet and two drag queen friends who go by the motto 'the higher the hair the closer to God'. Ghetto Trash and Euro Trash versions are in the pipeline. Perhaps these gloriously tasteless dolls challenge accepted norms - or maybe they are just fun. Barbie wouldn't play with them, although who can be sure with Ken? Buy one for fans of section 28 just to annoy them.



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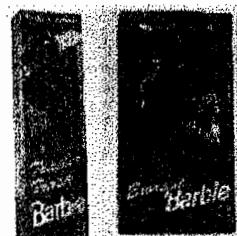
111 MINNA STREET, SAN FRANCISCO, CALIFORNIA—

111 Minna Street is no ordinary art gallery. "We're here to show alternative art, the kind that has no price tag on it," says owner Eiming Jung. And indeed, the art we saw there was priceless.

"Plastic Love" read the announcements. "A Group Show of Alternative 12-inch Generic Dolls." It took little reading between the lines to know they were talking Barbie.

Yes, Paul Hansen's medium of choice is Mattel's perennial fashion queen, and he isn't the only Barbie artist in San Francisco. Also on display at 111 Minna were works by Sue Wandell, Grant Salminen, and Steven Pim, and photographs by James Connelly, Jr. and Sattu Rau.

Paul's artist's statement was on display near the door. It was the perfect introduction to the show:



Works by Paul Hansen:
"Trailer Trash Barbie"
and "Exorcist Barbie"

"Anytime since, when a friend of mine has a birthday I make a portrait of them in the form of a 12" fashion doll. I just take a piece or two of their personality, and add it to the doll, and then dress it like them. As time went on I made more dolls, and more and more people encouraged me to sell them.

"Last Summer I displayed some dolls in the window of In~jean~ious (a store on Castro Street that I used to live above). People showed so much interest in them that Bill Tull, the store owner, asked me if I would make some for him to sell during the holiday season. I did so, and that's the reason you are reading this now.



"The dolls you are about to see are in no way affiliated with Barbie®, or the Mattel Corporation. As per the request of the Mattel Corporation these dolls are not for sale, nor are any dolls that I have made which are packaged in pink boxes, or display the work "Barbie"; so please do not ask to buy them.

"What you are about to see is a collection of portraits of my friends and acquaintances, and a few public figures who have intrigued me. Whether or not they have been painted on canvases manufactured by Mattel is irrelevant.

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Paul Hansen



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August 26, 2006

Trailer Trash Turleen Doll Gets a Boyfriend



Trailer Trash Turleen, the pregnant doll (with curlers and cig in mouth) is one of my favorite WT items! Turleen is "preg-nint" again and when you press her belly she says stuff like: POUR ME A DOUBLE, I'M DRINKIN' FER TWO. I own one of these dolls and highly recommend you getting one too!

But the big news is this: She's getting a boyfriend. There is now going to be a BOY trailer trash doll---Jer-Wayne! He will be on sale in Mid-September and so you better order one before they are gone. Go to [Trailer Trash Doll](#) or go to www.trailerrashdoll.com.

Posted at 03:09 PM in [White Trash Culture](#) | [Permalink](#)
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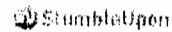
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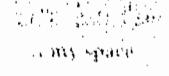
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◆ BARBIE from C-1

Messin' with Barbie and gettin' famous

wriggling on her hip, black roots beneath her platinum blond hair and the quote "My Daddy Swears I'm the Best Kisser in the County."

He gave Hooker Barbie her own negligee and condom. Carrie Barbie came clad in a prom dress, drenched in fake blood. Drag Queen Barbie was really Ken, but in a wig and gown, with electric blue eye shadow. Suffice it to say every Alternative Barbie that sprang from Hansen's imagination would be a little out-of-sorts in the traditional Malibu Beach House.

When The Examiner first reported on these Alternative Barbies, they already had struck a nerve with local consumers who embraced a satirical antidote to the pinnacle of plastic perfection: the anatomically over-correct doll who redefined the "figure" in figurine.

Castro apparel store In-jean-ious had nearly sold out of the hundred \$60 dolls proprietor Bill Tull had commissioned from the artist, who was determined at the time to remain anonymous.

As media worldwide picked up the "only in San Francisco" story, so many customers flooded In-jean-ious that the boutique had to install a special phone system to handle the orders, which still come in at a rate of about 40 per day.

"My aunt from Denmark called to say she read about them in the Copenhagen paper," Hansen said. "I've got a hobby gone mad. I figure what's the point of staying anonymous anymore?"

On the contrary, he's preparing for the gallery debut of his Anti-Barbies at 111 Minna Street Gallery. And he and Tull are searching for a way to begin mass production of the Alternative Barbies — correction, make that Alternative 11½-inch Generic Dolls.

In the interim, anyone who calls In-jean-ious to place an order is asked to leave a name and address. The store plans a mailing in about six weeks to let would-be customers know how to obtain their Alternative Barbies, and how much they will cost. Details remain up in the air.

Only one thing is certain: No longer will the bizarre bony of Barbies be advertised or sold under the

objections of Mattel. The company, which is based in El Segundo, Los Angeles County, and whose global assembly lines churn out Barbies that sell at the rate of two per second, issued a cease-and-desist order against In-jean-ious for trademark infringement.

"Believe it or not, at Mattel we're still getting letters from offended people who say, 'How could you introduce a doll like that disgusting Trailer Trash Barbie?'" said Sean Fitzgerald, Mattel vice president for corporate communica-

people who love Barbie have a pretty healthy sense of humor about the whole thing." He added wryly, "So I don't suppose you'd know how I could get a Trailer Trash Barbie?"

The phenomenon had its inception three years ago, when Hansen was shopping for a birthday present for a friend of his who was a drag queen. "I got the idea to make him a Drag Queen Ken," Hansen recalled, "and when he unwrapped it at the party, it was a very big hit.

"After that it just became my traditional birthday gift for friends. They run the gamut — I did Trailer Trash for a straight friend, Big Dyke Barbie for a lesbian friend, you name it, and every time I gave somebody one, they'd say, 'Oh, my god, you gotta sell this!'"

He and Tull, an old friend, put the Alternative Barbies in the window of In-jean-ious to coincide with last year's Gay Freedom Day Parade — and they sold out in a week.

Now 29, Hansen was the oldest child in his family and a teenager before his little sister got into Barbie.

"I would cut her Barbie's hair," he said. "Personally, I just didn't like the hairstyle she came with, but it's not like I had any personal animosity toward Barbie."

"My sister? She thinks this whole thing is hysterical. She also thinks I'm the weirdest guy on Earth."

Some customers want the dolls as irreverent conversation pieces. For others, like Sue Wandell of San Francisco, the psychological motivation is more subterranean.

A woman who played with Barbies as a girl and said she had grown to become appalled at the materialism and shallowness Barbie celebrates, Wandell has collected some of Hansen's creations and also designs her own, from Voodoo Barbie to Barbie in a Rat Trap. "Once you start tampering with an icon like Barbie, it's difficult to stop yourself," she said.

That's precisely the instinct Hansen and Tull are banking on. "It's going to be hard to top Trailer Trash Barbie — everybody loves her," Hansen said. "I love this idea of people collecting them. You can't just have one Drag Queen Barbie — you have to have a blond, a brunette and a redhead. Collect all three! Mix and match the outfit — and the accessories. Why, the possibilities are endless."

"There are very adamant Barbie image activists who didn't like this at all. . . . So I don't suppose you'd know how I could get a Trailer Trash Barbie?"

— Sean Fitzgerald,
Mattel vice president

cations. "They think Mattel made them. I feel like writing back, 'Dear idiot . . . I mean, they really just don't get it."

There also are thousands of Barbie fan clubs and a host of collector trade publications, not to mention a Peninsula-based Barbie Hall of Fame, and some among the enthusiasts decried the defiling of their beloved Barbie.

"I just find what people are doing to Barbie so sad," sighed Lee Waters of Walnut Creek, an amateur collector who has passed her love of traditional Barbies on to her daughter, 8-year-old Katelyn. "Barbie has inspired generations of girls to dream wonderful dreams. First, her enemies tried to blame her for anorexia. Now, they're turning her into something degrading.

"Barbie doesn't deserve this. What's next — matricide and putting arsenic in apple pie?"

"There are very adamant Barbie image activists who didn't like this at all," said Fitzgerald, "though I think you'll find a lot of

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